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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/615,677	07/08/2003	Bradley J. Anderson	200300676-1	9829

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER	
BUI, LUAN KIM	
ART UNIT	PAPER NUMBER
3728	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,677

Applicant(s)

ANDERSON ET AL.

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 13-26 and 36-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 27-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election of Group I (claims 1-12 and 27-35) in the reply filed on 9/16/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-7, 27-30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Guckenberger (5,630,308). Guckenberger discloses in the embodiment of Figures 6 and 7 a package comprising a wrapper/wrapping means (600, 600') having a first end, a second end and a perforation/separating means (125, 125') disposed between the first and second ends. The perforation comprises a pull-tab having an extruded portion and is configured to split the wrapper to separate the first and second ends. The wrapper of Guckenberger is inherently capable of wrapping a media. As to claims 6 and 7, Guckenberger discloses the package comprises a line/seam (637) exposed on an outer surface of the package which is considered equivalent to a placement indicator as claimed.

4. Claims 1-3, 6, 7, 9-12 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (3,302,851). Johnson discloses a wrapper/wrapping means (10, 11, 13, 15, 17, 20-6)

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for wrapping books and similar objects/print media comprising a first end, a second end and a perforation/separating means (B) disposed between the first and second ends. The perforation comprises a pull-tab (C) is configured to split the wrapper to separate the first and second ends. As to claims 6 and 7, Johnson discloses the wrapper wrapped around the books and similar objects to form a package and the package comprises a line/seam (17) exposed on an outer surface of the package which is considered equivalent to a placement indicator as claimed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-8, 31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guckenberger (5,630,308) or Johnson (3,302,851) in view of Honma et al. (5,373,718; hereinafter Honma'718) and Seki (5,510,165). Guckenberger or Johnson discloses the wrapper as above having all the limitations of the claims except for the pull-tab comprises a plastic ribbon disposed within the wrapper. Honma'718 shows a package (10) comprising a wrapper (11) including a ribbon (13) disposed within the wrapper for tearing the wrapper and a pull-tab (16) (Figures 3-4). Seki teaches a wrapper (1) for an item (3) comprising a ribbon (2) disposed within the wrapper for tearing the wrapper and a pull-tab (6). Seki further teaches an arrow with the word "OPEN"/label to indicate where to split the wrapper. It would have been obvious to one having ordinary skill in the art in view of Honma'718 and Seki to modify the wrapper of

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Guckenberger or Johnson so the pull-tab includes a plastic ribbon disposed within the wrapper to facilitate splitting the wrapper. It also would have been obvious to one having ordinary skill in the art in view of Seki to modify the wrapper of Guckenberger or Johnson so the placement indicator comprises a label to provide more convenience for the user.

7. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guckenberger (5,630,308) in view of Johnson (3,302,851). Guckenberger discloses in the embodiment of Figures 6 and 7 the package having all the limitations of the claims except for the wrapper being used to wrap print media. Johnson discloses a wrapper/wrapping means (10, 11, 13, 15, 17, 20-6) for wrapping books and similar objects/print media comprising a first end, a second end and a perforation/separating means (B) disposed between the first and second ends. The perforation comprises a pull-tab (C) is configured to split the wrapper to separate the first and second ends. It would have been obvious to one having ordinary skill in the art in view of Johnson to modify the package of Guckenberger so the wrapper is used to wrap print media to allow the wrapper of Guckenberger to wrap various items.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 872-9301. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
September 30, 2004

A handwritten signature in black ink, appearing to read 'Luan K. Bui', with a horizontal line underneath.

Luan K. Bui
Primary Examiner